

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

May 28, 1997

UNITED STATES OF AMERICA,)
 Complainant)
) 8 U.S.C. 1324c Proceeding
 vs.)
) OCAHO Case No. 94C00191
FEDOSIA PIATKOV,)
A/K/A HELENA PIATKOFF,)
K/N/A FEDOSIA USOLTSEFF)
 Respondent)

ORDER OF DISMISSAL-SETTLED

On October 31, 1994, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324c, by having filed a Complaint consisting of two (2)-counts with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging two (2) document fraud violations.

On May 19, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed three (3) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the administrative law judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the administrative law judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn her request for hearing on the merits; and
2. That both parties have agreed to dismiss this action without prejudice; and

3. That each party shall bear its own costs and attorney's fees; and
3. That it is appropriate to grant the parties' joint Motion to Dismiss based upon the parties' notification made pursuant to § 68.14(a)(2); and
4. That complainant's October 31, 1994 Complaint is hereby ordered to be and is dismissed without prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

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Associate General Counsel
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425 "I" Street, N.W., Room 6100
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(one copy sent via regular mail)

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Cathleen Lascari
Legal Technician to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
Office of the Chief Administrative
Hearing Officer
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